

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL H. KALINER, Trustee for	:	CIVIL ACTION
Debtor, MDC Systems, Inc.,	:	
	:	
Plaintiff,	:	
	:	NO. 2:09-MC-00005-JD
v.	:	
	:	
MDC SYSTEMS CORP., LLC, ROBERT	:	
MCCUE, MDC SYSTEMS	:	
ENTERPRISES, LLC, and MDC		
SYSTEMS ENTERPRISES LLC SERIES		
A,		
Defendants.		

ORDER

AND NOW, this 19th of January, 2011, upon consideration of Defendant MDC Systems Corp., LLC's Motion for Summary Judgment (Document No. 51, filed Mar. 18, 2010); Brief in Opposition to Motion for Summary Judgment of Defendant MDC Systems Corp., LLC (Document No. 72, filed June 1, 2010); Reply to Plaintiff's Answer to Defendant MDC Systems Corp., LLC's Motion for Summary Judgment (Document No. 73, filed June 18, 2010); MDC Systems Enterprises LLC's and MDC Systems Enterprises LLC Series A's Motion for Summary Judgment (Document No. 74, filed June 28, 2010); Answer to MDC Systems Enterprises LLC and MDC Systems Enterprises LLC Series A's Motion for Summary Judgment (Document No. 77, filed July 22, 2010); MDC Systems Enterprises LLC's and MDC Systems Enterprises LLC Series A's Reply Memorandum of Law in Support of Motion for Summary Judgment (Document No. 79, filed Aug. 9, 2010); Defendant Robert McCue's Motion for Summary Judgment

(Document No. 75, filed June 28, 2010); Answer to Second Motion for Summary Judgment of Defendant Robert McCue (Document No. 76, filed July 22, 2010); and Defendant, Robert McCue's Reply Brief in Support of His Motion for Summary Judgment (Document No. 80, filed Aug. 12, 2010), for the reasons set forth in the Memorandum dated January 19, 2011, **IT IS ORDERED AS FOLLOWS:**

1. Defendant MDC Systems Corp., LLC's Motion for Summary Judgment is **GRANTED** as it relates to Count I of the Fourth Amended Complaint, and **DENIED** in all other respects;
2. Defendants MDC Systems Enterprises LLC's and MDC Systems Enterprises LLC Series A's Motion for Summary Judgment is **GRANTED**; and
3. Defendant Robert McCue's Motion for Summary Judgment is **GRANTED**.

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.